

Exhibit K

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

HITACHI, LTD. and HITACHI AUTOMOTIVE)	
PRODUCTS (USA), INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 05-048-SLR
BORGWARNER INC.)	
and BORGWARNER MORSE TEC INC.,)	
)	PUBLIC VERSION
Defendants.)	
<hr/>		
BORGWARNER INC.,)	
)	
Counterclaimant,)	
)	
v.)	
)	
HITACHI, LTD. and HITACHI AUTOMOTIVE)	
PRODUCTS (USA), INC.,)	
)	
Counterdefendants.)	

**DECLARATION OF LISA A. SCHNEIDER IN SUPPORT OF
BORGWARNER'S MOTION FOR SUMMARY JUDGMENT THAT
THE BUTTERFIELD PAPER SUBMITTED TO IMECHE
DOES NOT CONSTITUTE PRIOR ART UNDER 35 U.S.C. §§ 102(a) OR 102(b)**

Lisa A. Schneider, under penalty of perjury declares as follows:

1. I am a member in good standing of the Bar of the State of Illinois and a partner at the law firm of Sidley Austin LLP, counsel to defendant BorgWarner in the above action.

2. I submit this declaration in support of defendant BorgWarner's Motion for Summary Judgment That The Butterfield Paper Submitted to IMechE Does Not Constitute Prior Art Under 35 U.S.C. §§ 102(a) Or 102(b).

3. Attached hereto as Exhibit 1 is a true and correct copy of deposition Exhibit 4 marked during the deposition of Mr. Rogers. The document is a paper entitled "A Unique Approach to Design of a VCT Mechanism" listing R. Butterfield as an author. I have no personal knowledge regarding the authenticity of this document and, in particular, the authenticity or accuracy of the IMechE stamp on the first page of the document.

4. Attached hereto as Exhibit 2 is a true and correct copy of U.S. Patent Number 5,497,738.

5. Attached hereto as Exhibit 3 is a true and correct copy of the cited pages of the Expert Report of Robert Kuhn, P.E. On The Invalidity Of U.S. Patent No. 5,497,738 served by Hitachi.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Sarah Rogers deposition transcript.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Mike Claxton deposition transcript.

8. Attached hereto as Exhibit 6 is a true and correct copy of the cited pages of Plaintiffs Hitachi, Ltd's And Unisia North America, Inc.'s Reply To BorgWarner's Opposition to Hitachi's Motion to Compel The Production of Withheld Prosecution Documents.

9. Attached hereto as Exhibit 7 is a true and correct copy of portions of deposition Exhibit 3 marked at Ms. Rogers' deposition. This document bears Bates label

HIT0445518-19. I have no personal knowledge regarding the authenticity or accuracy of this document.

10. Attached hereto as Exhibit 8 is a true and correct copy of portions of deposition Exhibit 3 marked at Ms. Rogers' deposition. This document bears Bates label

HIT0445520-21. I have no personal knowledge regarding the authenticity or accuracy of this document.

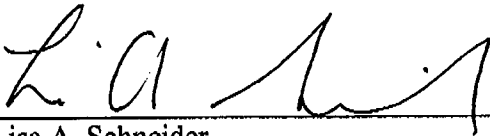
11. Attached hereto as Exhibit 9 is a true and correct copy of the cited pages of the deposition transcript of Philip Mott.

12. Attached hereto as Exhibit 10 is a true and correct copy of deposition Exhibit 12 marked at Ms. Rogers' deposition. I have no personal knowledge regarding the authenticity or accuracy of this document.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: October 4, 2006

By:



Lisa A. Schneider